

ORIGINAL

ORDINANCE NO. 232

AN ORDINANCE REQUIRING THAT ALL CONDENSED, EVAPORATED AND DRIED MILK, BUTTER, CHEESE, OR OTHER DAIRY PRODUCTS, INTENDED FOR HUMAN CONSUMPTION, SHALL HAVE PRINTED UPON EACH AND EVERY CONTAINER OR PACKAGE, THE WORDS, "THIS PRODUCT IS PRODUCED FROM NON-REACTING TUBERCULIN TESTED COWS" OR, "THIS PRODUCT IS NOT PRODUCED FROM NON-REACTING TUBERCULIN TESTED COWS". AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF.

The City Council of the City of Lodi does ordain as follows:

SECTION 1. DEFINITIONS. As used in this ordinance, unless otherwise apparent from the context, all words or combination of words are hereby defined as having the same meaning as provided and as they are defined in the Agricultural Code of the State of California,

(a) The singular number includes the plural, and the plural the singular.

(b) "Person" Includes firm, corporation, company, or association.

(c) "Sell" includes "offer for sale", "expose for sale", "have in possession for sale", "exchange", "barter" or "trade".

(d) An official bovine tuberculin test is a test performed by a veterinarian accredited by the Bureau of Animal Industry of either or both the State Department of Agriculture or the United States Department of Agriculture.

(e) Cattle regularly tested for bovine tuberculosis are those located in a Federal-State modified accredited area or which have been tested by an accredited veterinarian within the past eighteen months.

SECTION 2. All condensed, evaporated and dried milk, butter, cheese, or other dairy products, intended for human consumption, made from milk and/or cream produced from cows which have passed an official tuberculin test, shall have printed, stamped, or attached upon or to any container, wrapper, covering, or label thereon the words, "This product is produced from non-reacting tuberculin tested cows", or in lieu thereof, a sworn affidavit by the manufacturer or distributor of such milk products, filed with the District Health Officer of the San Joaquin Local Health District, showing the name and address of the producer, with proof that such milk products have been produced from cattle that are regularly tested for bovine tuberculosis, and from which the reactors have been removed.

SECTION 3. All condensed, evaporated and dried milk, butter, cheese, or other dairy products, intended for human consumption, made from milk and/or cream produced from cows which have not passed an official tuberculin test, shall have printed, stamped, or attached upon or to any container, wrapper, covering, or label thereon, the words, "This product is not produced from non-reacting tuberculin tested cows".

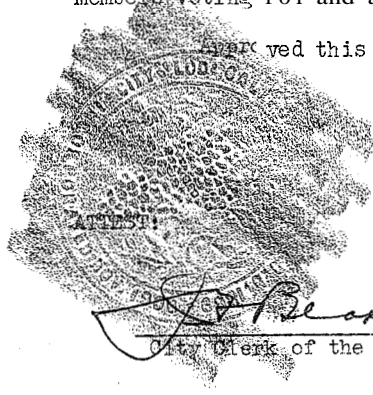
SECTION 4. No person, firm or corporation shall, within the limits of the City of Lodi, County of San Joaquin, State of California, sell, offer for sale, deal in or in any way traffic in any condensed, evaporated, or dried milk or other dairy products made from milk and/or cream for human consumption, unless the same shall have printed upon each and every package, and upon any container, wrapper, covering or label thereof, the words, "This product is produced from non-reacting tuberculin tested cows", or, "This product is not produced from non-reacting tuberculin tested cows", in letters of a size not smaller than one-eighth (1/8) inch high, printed in a different color than the other printing on the package, or has filed with the District Health Officer of the San Joaquin Local Health District, a sworn affidavit as provided in Section 2 of this ordinance.

SECTION 5. The violation of this ordinance, or any provision or provisions of this ordinance, is a misdemeanor and is punishable by a fine of not less than twenty-five (\$25.00) dollars, or more than five hundred (\$500.00) dollars, or by imprisonment in the County Jail of not less than ten (10) days or more than ninety (90) days, or by both such fine and imprisonment.

SECTION 6. If any section, sentence, clause or part of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Lodi hereby declares that it would have passed this ordinance and each section, sentence, clause or part thereof, irrespective of the fact that any one or more sections, sentences, clauses or parts be declared unconstitutional.

SECTION 7. This ordinance shall take effect thirty days after the date of its passage, and its effective date shall be May 1, 1937, and prior to the expiration of fifteen (15) days from the date of passage thereof, shall be published for at least one (1) time in the LODI NEWS-SENTINEL, a newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin, State of California, together with the names of the members voting for and against the same.

Approved this 15th day of February, 1937.



G. M. Steele
Mayor of the City of Lodi, California

J. F. Blakely
City Clerk of the City of Lodi

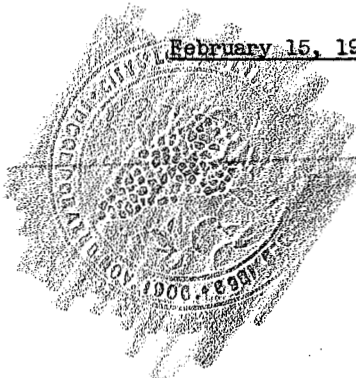
I, J. F. Blakely, City Clerk of the City of Lodi and ex-officio Clerk of the City Council thereof do hereby certify that the foregoing Ordinance No. 232 was regularly introduced at a regular meeting of said City Council held on the 1st day of February, 1937 and was thereafter, on the 15th day of February, 1937, finally passed, adopted and approved by the following vote:

AYES: Councilmen, Spooner, Graffigna, Clark, Weihe and Steele.

NOES: Councilmen, None.

ABSENT: Councilmen, None,

J. F. Blakely
City Clerk.



February 15, 1937.